

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 1:05CV63 CDP
)
B&D ELECTRIC, INC., et al.,)
)
Defendants.)

ORDER

Last week certain defendants sought an amendment to the Case Management Order that would have extended the deadline for filing motions to amend. I inadvertently failed to rule on the motion, and so the parties have filed motions to amend and join new parties by the deadline set by the Case Management Order. It appears that the government's motion and that of National Wrecking should be granted. Based on the information provided in the motion to amend the Case Management Order, however, it appears that B&D and the other defendants represented by the same counsel do not necessarily want to amend at this time, but filed the motion to comply with the Case Management Order. In their motion filed last week, they indicated that if the deadlines were extended, they would withdraw any motion to file counterclaim and third-party complaint. I will therefore withhold ruling on the motion for leave to amend, on the assumption that these defendants

will promptly withdraw it, without prejudice to refile it if necessary before the new deadline.

Accordingly,

IT IS HEREBY ORDERED that the Joint Motion of Defendants B&D Electric, Inc., Cardinal Electric Motor Repair, Inc., Delta-Y Electric Company, Flanders Electric Motor Service, Inc., Florida Power & Light Company, Interstate Power and Light Company, and T&R Electric Supply Company, Inc., to Amend the Case Management Order [#64] is GRANTED.

IT IS FURTHER ORDERED that the Case Management Order is amended as follows:

1. All motions for joinder of additional parties or amendment of pleadings shall be filed no later than May 15, 2006.

2. Plaintiff shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than May 31, 2006, and shall make expert witnesses available for depositions, and have depositions completed, no later than July 5, 2006.

3. Defendants shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2), Fed.R.Civ.P., no later than August 25, 2006, and shall make expert witnesses available for depositions, and have depositions completed, no later than October 10, 2006.

4. The parties shall complete all discovery in this case no later than December 8, 2006.

5. Any motions to dismiss, for summary judgment or motions for

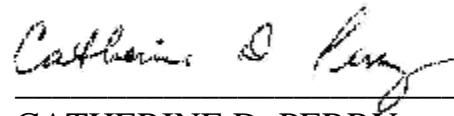
judgment on the pleadings must be filed no later than December 22, 2006. Opposition briefs shall be filed no later than January 22, 2007, and any reply brief may be filed no later than February 2, 2007.

Except as so modified, the Court's September 23, 2005, Case Management Order remains in effect.

IT IS FURTHER ORDERED that defendant National Wrecking Company's motion for leave to amend answer to add additional affirmative defense [#65] is GRANTED.

IT IS FINALLY ORDERED that plaintiff's Motion for Leave to File an Amended Complaint [#67] is GRANTED and the amended complaint is deemed filed this date.

IT IS FURTHER ORDERED that the court will not at this time rule on the B&D defendants' motion to file counterclaim and third-party complaint, on the assumption that defendants will promptly withdraw the motion without prejudice to their right to refile it by the new deadline.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 15th day of March, 2006.